



RAIL COMMITTEE DRAFT MINUTES

Special Meeting
March 15, 2012

ROLL CALL

Chair Klein called the meeting to order at 12:02 p.m. in the Council Conference Room, 250 Hamilton Avenue, Palo Alto, California.

Present: Council Members Burt, Klein, Scharff, and Shepherd

Absent: none

ORAL COMMUNICATIONS

None

APPROVAL OF MINUTES

November 16, 2011

MOTION: Council Member Klein moved, seconded by Council Member Burt to approve the minutes of November 16, 2011.

MOTION PASSED: 3-0 Scharff abstained

AGENDA ITEMS

2. Discussion of the City of Palo Alto Comment Letter on a Memorandum of Understanding (MOU) Between the Peninsula Corridor Joint Powers Board (PCJPB) and the Metropolitan Transportation Commission (MTC) and/or California High Speed Rail Authority (CHSRA)

Aldina Levin was pleased to see a variety of peninsula cities working to give conditional approval to the blended system. She expressed concern for a number of items within the comment letter such as the number of trains. She wished to see the letter written in a manner to not prevent Caltrain from increasing their schedule. Her understanding of the Attorney Generals ruling

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was if they determined the blended system was illegal the Memorandum of Understanding (MOU) would be considered mute.

Herb Borock felt the original points were excellent; however, he believed the beginning of the letter should clearly state the City's position on High Speed Rail (HSR). Copies of the original letter were to go to the Metropolitan Transportation Commission (MTC) and not regional rail organizations. It would be appropriate for the revised letter to reflect the overall policy. He believed the new letter should be addressed to the chair of both Caltrain Boards and MTC.

Roland Lebrun was generally in agreement with the comment letter and he strongly recommended there be stiffer language stating Caltrain be the lead agency responsible for all improvements.

Morris Brown spoke regarding the lead statement in the comment letter. The Council was on record as opposing the HSR but the lead paragraph did not indicate that direction. On a blended system, passing tracks needed to be available for the HSR train to continue through without needing to stop at the station behind the Caltrain system.

Council Member Shepherd said the agenda referred to the MOU between the Joint Powers Authority (JPA), the MTC, and HSR but the letter addressed an MOU between Caltrain and HSR. She asked if MTC was being addressed with the letter.

Council Member Burt said the answer was yes. The intent was to address Caltrain, MTC, the California High Speed Rail Authority (CHSRA), the state legislature, and others. He maintained the comment letter was directed towards all of the agencies and elected officials.

Chair Klein said that was not his understanding. The comment letter was correct but there needed to be a point saying the City believed the agreement should be solely between the HSRA and the JPA. He was not in favor of granting the MTC any further authority but if they were a part of the agreement that in fact was an additional authority.

Council Member Burt said he had four areas for discussion; 1) should Palo Alto clearly state their opposition to MTC as lead agency, 2) should the agreement be with the Joint Power Authority (JPA) or a modified version, 3) should a re-statement of opposition be included in the rail plan in general, and 4) state the letter as should there be a blended system on the Peninsula. He realized under the Caltrain Environmental Impact Report (EIR)

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bullet point it needed to be upgraded and there were two issues a) was Palo Alto referring to beyond the current conditions there would need to be a new Caltrain EIR or b) was Palo Alto referring to beyond the Caltrain electrification EIR that was anticipated to be re-circulated. If Caltrain was to go above the specified volume of trains there would need to be a secondary EIR for the blended system. In speaking of the passing tracks he did not feel the requirements were clear so to include the bullet point eliminated the ambiguity of the City's position but did not do harm to state it. He did not believe the Attorney General's Opinion stated they believed the blended system was not in compliance with Proposition 1A or AB3034. It would not render an MOU between MTC and the HSRA mute because the Attorney General's Opinion was not legally binding and the current HSR Business Plan envisioned a blended system as the first phase in an eventual expanded system.

Chair Klein noted the Opinion of the Attorney General was an opinion and not a ruling but it may hold the significance of a ruling to state agencies. There was a possibility if the Attorney General implied the blended system was acceptable there was nothing to prevent the citizens from challenging the decision in court.

Vice Mayor Scharff was confused as to how acceptance of the funds for the phase 1 agreement did not equate to an endorsement of Pacheco Pass to the Bay Area. The Altamont Pass was a higher cost.

Council Member Burt said the Altamont Pass route as it was originally envisioned did not come into the Bay Area further than Fremont with two alternatives; 1) to San Jose and up the Peninsula or 2) across the Dumbarton Bridge. Elizabeth Alexis analyzed and had given credence to the Altamont Pass that it could increase the ridership of the system, decrease capital costs of the HSR system, and yet decrease the number of trains that would actually need to travel up the Peninsula. It was feasible that the Altamont Pass route could exist and still have some version of a blended system.

Vice Mayor Scharff thought the purposes of electrification was to run more trains. He asked if the route came through the Dumbarton would Caltrain still complete the electrification.

Council Member Burt said yes.

Vice Mayor Scharff was in support of removing MTC as the lead agency. He asked for an expansion on the EIR issues.

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Council Member Burt said there were two perspective EIR's. Caltrain already had an Electrification EIR in progress although it had been placed on hold. Depending on what was placed in the EIR over the upcoming year that EIR may be above the current baseline of train volume. The Project EIR for the Peninsula was currently in progress. There had been concern HSR would attempt to piggyback on the Caltrain EIR and use it as a means to get HSR though. The goal was to distinguish that above what Caltrain was going to have approved for their own electrification purposes, absent HSR. There had to be another EIR even if it was for one train per hour for HSR.

Vice Mayor Scharff asked what the concern was with the Attorney General Opinion.

Council Member Burt said if the project was funded and spending began, then the Attorney General said a blended system was not legal it would open the door to a four-track system. The Peninsula cities were in support of the blended system and thought the MOU should be clear that the funds being accepted were based upon the blended system. The senators were concerned with what tools they would have to assure the HSRA would live up to their promises of not going beyond the blended system. He suggested to them the MOU could be used as a tool if the legislature was looking to fold the MOU into the funding approval.

Vice Mayor Scharff asked if there would be a discussion.

Chair Klein said yes.

Council Member Shepherd saw a lot of changes to the comment letter but it seemed the focus should be protecting the interest for the Caltrain Corridor and communicating exactly how Palo Alto wanted to see the corridor with the other interests summarized. It seemed the independent Ridership Study might devise a way to lock in a broader program. She wanted to be more deliberative for how the City wanted the MOU to represent the Peninsula. She noticed there was no discussion of grade crossings or elevations.

John Garamendi Jr., Professional Evaluation Group, Inc., joined the meeting via conference call. He said the bills were being sent off to committee and the SB985 hearing was to be heard on April 10th. He requested members of the Rail Committee join them in Sacramento for support. Other bills being watched were AB1574 was putting HSR under Business, Transportation and Housing Agency (BT&H), AB1455, AB1189, SB1533 were hollow bills but the concern was where they may go in the future with California Environmental Quality Act (CEQA) exemptions. He was working diligently with the legislatures in Southern California as the HSRA had begun to put together

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the MOU for the southern area of the state. He was working closely with his environmental allies should there be an end run on the CEQA side.

Council Member Burt asked for more information on the draft MOU between the southern part of California and the HSRA. He had concerns with the HSRA forcing an endorsement of the Central Valley ICS in order to receive the funding.

Mr. Garamendi said he was not certain what the exact wording was but he would review the MOU in more detail and report back to the Committee. He believed there was implied expectation to the fact.

Chair Klein was intrigued to read a news story on the tax deal Governor Brown negotiated with the teachers union with a line regarding him placing so much of his political capital on HSR.

Mr. Garamendi said he spoke to Ralph Ochoa, the senior partner regarding the Governor changing his mind.

Chair Klein asked if the suggestion was Governor Brown changed his direction on the tax bills.

Mr. Garamendi said yes as he did with Proposition 13.

Chair Klein asked if the Committee members attended the meeting on April 10th, would there be meetings arraigned to convene with senators.

Mr. Garamendi said yes. He would request making the trip a legislative day in order to testify on the bill then meet with leadership in the senate and committee members.

Council Member Shepherd asked how the democrats were responding to the bill.

Chair Klein said there were no republicans on the fence.

Mr. Garamendi said the Governor had the propensity to put things to the voters.

Chair Klein said he was willing to speak to people who were on the fence but could be persuaded to vote for SB958.

Jayne Ackemann, Caltrain Government Affairs Officer, appreciated the thoughtful consideration of the amendments to the MOU. She clarified the

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relationship between Caltrain and the MTC and noted the MTC was designated as the metropolitan planning organization and all federal and state transportation monies needed to pass through them as part of the regional transportation planning process. Because of that relationship, Caltrain could not advocate against MTC taking the lead position because they were the funding agent.

Council Member Burt said the prior MOU in the Peninsula Rail Program was between the HSRA and the JPA. He thought under that agreement the dollars would be flowing directly to JPA and not through MTC.

Ms. Ackemann said she was unfamiliar with the prior MOU but would research the information and report her findings to the Committee at a later date.

Chair Klein asked who placed the limitation of Caltrain.

Ms. Ackemann said MTC had informed Caltrain they would be taking the lead role because they were not only representing the interests of Caltrain but several other organizations in Northern California.

Chair Klein said he did not understand or agree.

Ms. Ackemann said the Council could communicate their position directly to MTC and Caltrain. She noted for the purposes of the amendments that could be placed in the MOU that would be lead by MTC it placed Caltrain in a difficult position.

Chair Klein said the information provided made him more concerned. The JPA owned the right-of-way and Caltrain could say no to the HSR. MTC was a signatory to the agreement along with the JPA and he worried the JPA could sign away their power to MTC.

Ms. Ackemann understood the concern but legally entering into an MOU that governed the terms for further development of the blended system did not compromise the ownership rights.

Yoriko Kishimoto suggested reinforcements to advocate for Caltrain to be the lead agency from environmental clearance, design, construction, and implementation of the Caltrain segment.

Roland Lubrun said the Attorney General had not announced a ruling because what was being proposed was not legal; however, it could be. The Altamont Pass route did not help people further up north. He clarified the

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role of MTC should be the funding source only with Caltrain as the lead agency.

Chair Klein suggested considering the issues Council Member Burt spoke of earlier. He felt the statement of the City's overall position should be declared in the beginning of the comment letter. He provided language to be reviewed and considered.

Council Member Shepherd noted the language had expanded from what was voted on in the Guiding Principles.

Richard Hackmann, Management Specialist noted bullet points 2 and 3 expressed the plan was not what the voters approved in 2008, the Business Plan was flawed, and there were two exact bullet points below the statement that should be terminated.

Vice Mayor Scharff said the purpose of the comment letter was to influence the MOU. He asked if beginning the letter with the City opposed HSR weaken the effectiveness.

Ms. Ackemann said the language was a matter of preference and Palo Alto's position was well understood by Caltrain. She believed it would not damage their position to restate their opposition as well as offer amendments to the MOU.

Council Member Shepherd said Palo Alto looked at the corridor as the commute load. She was interested in the letter addressing how Palo Alto saw Caltrain.

Council Member Burt said he agreed there should be a sentence explaining why Caltrain and the rail commute corridor was of high importance to Palo Alto. It would reiterate why the City should have a seat at the table.

Council Member Shepherd said Palo Alto had the second highest ticket sales for Caltrain which she felt had a huge significance on how Palo Alto operated and used the system.

MOTION: Chair Klein moved, seconded by Council Member Burt to include the City's statement of opposition to High Speed Rail in the beginning of the letter.

Chair Klein said it was important as a matter of honesty and credibility. He understood it did not add to the argument but he believed stating where Palo Alto stood and where they wished to go was important.

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Council Member Burt said he thought it was important not to provide the perception that Palo Alto was being disingenuous.

Council Member Shepherd asked why the statement needed to go first rather than in the closing comments.

Chair Klein said no.

MOTION PASSED: 3-1 Shepherd no

MOTION: Council Member Burt moved, seconded by Chair Klein to add a sentence stating why Caltrain was an important part of Palo Alto's transportation system and that the development on the Caltrain Corridor had a significant impact on the community.

Council Member Shepherd said she agreed to the language. She said her focus grew once she found out Palo Alto was the second highest portion of ridership.

Council Member Burt recommended the following clause to begin the sentence; as the second largest Caltrain stop, which further established Palo Alto's legitimacy in the process.

MOTION PASSED: 4-0

Council Member Burt said one of the other issues was surrounding the role of MTC. There could be two different positions taken or a hybrid of the two. Palo Alto could favor that the agreement be directly between Caltrain and the HSRA as was the prior agreement.

MOTION: Council Member Burt moved, seconded by Vice Mayor Scharff that the agreement be directly between Caltrain and the HSRA as was the prior agreement. If there was an agreement with MTC it should be solely as a funding source and that all environmental clearance, design, construction, and any other elements should reside within Caltrain and their relationships with the effected communities.

Chair Klein agreed and felt there should be specific language for the agreement involving MTC.

Council Member Shepherd suggested an illustration before the statement on how Palo Alto expected the process to work in the Peninsula with the Motion language being the conclusion as to why Palo Alto did not see MTC

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involvement as being material for the Peninsula. The Peninsula Rail Program (PRP) was established and had both a Policy Advisory and Technical Advisory Committee's which were operational but did not invoke change on the Peninsula. She recommended the language to read; therefore we find that this would be more efficient to have the MOU between the HSRA and Caltrain.

Council Member Burt clarified the PRP methods may have had short comings but they made significant impacts. The fundamental changes in the alternatives analysis eliminated the elevated system from consideration and those types of changes up and down the Peninsula were partly a result of inputs from cities.

Council Member Shepherd agreed there were changes made but the changes did not make the process move forward in a way that made the electrification possible.

Council Member Burt said as far as whether the letter should lead with the overriding statement of what relationship or scope should be in an MOU and who would have what authority he felt that should be the leading statement.

Chair Klein agreed with Council Member Burt and had no issue adding additional sentences. If he was to review the last sentence of the Mayor's speech; the City of Palo Alto understands the role MTC plays in distributing regional funding, the reality of the situation was MTC lacks both the ability to speak on our behalf, for our residents or the local laws our Council Members possess. He understood the letter in discussion was not regarding Council Members but the word could be substituted for JPA members.

Council Member Burt said there was no reason there could not be a concluding comment that revisited the theme. He agreed including both concepts.

MOTION PASSED: 4-0

Council Member Burt said his third concern was the EIR issue. There was going to be a Caltrain EIR either direction the MOU took. There was currently up to five trains at peak hour. He asked how many trains would travel with the Electrification EIR.

Ms. Ackemann said once the electrification was complete the original plan was for 10 Caltrain systems per hour in each direction. If the blended system was implemented there would be 6 Caltrain systems and 4 HSR trains per hour in each direction.

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Council Member Burt said that was part of the concern whether the EIR had adequately addressed grade crossing impacts. He asked if Caltrain went forward with the original EIR with a 10 train capacity, would that potentially include a portion for HSR trains.

Ms. Ackemann said that would be determined by the results of the capacity analysis.

Council Member Burt asked for clarification on a scenario; say there was an 8 train EIR and the capacity analysis concluded there could be 8 Caltrain systems but the capacity could support 6 Caltrain systems and 2 HSR trains. He asked if the Caltrain EIR would enable 2 out the possible 8 trains to be HSR driven.

Ms. Ackemann said her understating was HSR would still need an EIR to have those two trains per hour on the Caltrain track system. She did not believe their electrification document would be able to clear HSR to operate in the Caltrain Corridor.

Council Member Burt said with the clarifications he preferred the original draft language whether referring to Caltrain electrification or the blended system there were concerns either way. There was a need for an updated EIR based on current conditions.

Chair Klein said he was concerned about the language requiring a new EIR. He did not believe Caltrain had an existing EIR so what would be compared.

Council Member Burt said to drop the word new.

MOTION: Chair Klein moved, seconded by Vice Mayor Scharff to keep the original language in bullet four under Environmental and Operations Issues with the exception of removing the word new. Any train volume above the Caltrain baseline (five trains during the peak hour in each direction) would require an EIR.

MOTION PASSED: 4-0

Council Member Shepherd asked what was meant by all significant in the first bullet under Environmental and Operations Issues.

Council Member Burt said the word was a legally defined term.

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Margaret Monroe, Management Specialist said when an environmental analysis was completed there was a set of acceptable standards and when things went beyond those set standards it was considered significant but if they remained within the standard they were considered not significant.

Council Member Shepherd said at no time was there overriding considerations with what was trying to be accomplished.

Council Member Burt asked if Ms. Monroe felt the language in the first bullet under Environmental and Operations Issues was adequate from a CEQA standpoint.

Ms. Monroe said the bullet read: All significant environmental impacts identified in the Program EIR and the Project EIR must be mitigated. She said when the word mitigated was used it meant they needed to address the issues and they needed to be reduced to a level of acceptance by the community.

Council Member Shepherd wanted to ensure the mitigations were covered.

Chair Klein said the statement was powerful and performed an undoable process.

Ms. Monroe said the operative term used in the statement was must, must mitigate.

Council Member Shepherd said the word must was listed throughout the bullet points and she asked if shall should be used instead.

Council Member Burt asked her what she felt the difference between must and shall was.

Council Member Shepherd said the word must was more demanding where shall sent to the same message without being demanding.

Council Member Burt felt both expressions were synonymous. If there was a change to modify the tone without modifying the impact he was ok with it.

Council Member Shepherd asked if the word shall appear more frequently in documents.

Ms. Monroe said in general plan policy the word shall was used.

Chair Klein asked what the reason was behind the usage.

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Ms. Monroe said shall express the intent to perform the act but also softened the tone if it was an option.

Chair Klein asked if Ms. Monroe felt the word shall was weaker than the word must.

Ms. Monroe said yes but it was a matter of the tone in which the word was used.

Council Member Shepherd asked if the Committee felt all of the demands would be met.

Chair Klein said yes.

Council Member Shepherd said shall seemed positive whereas must was a challenge.

Vice Mayor Scharff was troubled by the statement of all significant impacts must or shall be mitigated. He asked if that language would take away their ability to do it over again.

Chair Klein agreed that was the action.

Vice Mayor Scharff asked why the JPA would agree to that. The JPA wanted electrification so what if it was not possible to mitigate all of the impacts on the Program and Project EIR.

Council Member Burt said one distinction was they were not being eliminated but mitigated. The mitigation process moved the impacts from significant to less than significant. He suggested taking the impacts that caused great concern such as removing a lane from Alma Street, visual, noise, vibrations, surface street traffic, and grade crossings. He said the question was which of any of those impacts would Palo Alto be potentially satisfied with non-mitigation on.

Vice Mayor Scharff asked what if there was a need to take homes to complete a grade crossing. He wanted to know if that be non-mitigatable.

Council Member Burt said if eminent domain needed to be used he believed it would be a non-mitigated act but if eminent domain was not a factor he was uncertain.

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Ms. Monroe said there were community standards being looked at. She was not sure where there would be overriding concerns.

Chair Klein said the present draft Program EIR had overriding concerns in a number of places that were not in the previous version.

Council Member Burt said the draft Program EIR had overriding concerns now but not prior because now it was regarding a four-track system. If there was a two-track system in Palo Alto the only circumstance where there was a need to obtain housing was if they put grade separations in but did not recess the tracks. He said if it came to that the question would be where Palo Alto stood.

Chair Klein stated he was in favor of the language in bullet point one. He felt it was important for Palo Alto to say where they were coming from. He did not believe they should start out by compromising. He felt the word must was a stronger and more appropriate word than shall.

MOTION: Council Member Shepherd moved, seconded by XX to change the word must to shall. All significant environmental impacts identified in the Program EIR and the Project EIR ~~must~~ shall be mitigated.

MOTION FAILED DUE TO LACK OF SECOND

Council Member Burt said he was open to whether the bullet points were properly categorized. The fourth bullet under Program Issues: The Memorandum of Understanding with the Northern California segment (San Jose to San Francisco) should not be linked to an endorsement of the Central Valley ICS plan. He did not feel that statement was a correct description. In the HSR classification it was the Central Valley to the Bay Area or San Francisco segment. He asked if the draft MOU considered San Jose to San Francisco only or what the geography was.

Ms. Ackemann said the MOU did not include the Central Valley; it would be specific to the Bay Area and the impact to the Bay Area.

Council Member Shepherd asked how far south the Bay Area was considered.

Ms. Ackemann said she believed it would be at the point where Caltrain would leave the Bay Area just to the south of San Jose.

Council Member Burt asked if San Jose to San Francisco was the best way to describe the geography covered at this time.

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Ms. Ackemann was unclear as to what was included at this time.

Council Member Burt asked if the Committee was satisfied with the language change in bullet four with the clarification from Ms. Monroe.

Vice Mayor Scharff did not feel the language in bullet six under Environmental and Operations Issues made sense: There was no obligation to eventually have passing tracks at all stations. He asked why the word eventually was necessary.

Council Member Shepherd suggested passing tracks obligations shall be.

Vice Mayor Scharff recommended there was no obligation to have passing tracks at all stations.

Council Member Burt said the reason to add eventually or another modifier was to clarify the decisions were not only for the initial discussion.

Vice Mayor Scharff recommended removing the word eventually from the sixth bullet. There is no obligation ~~eventually~~ to have passing tracks at all stations.

Chair Klein was in agreement.

Council Member Burt said the letter was addressed to Adrienne Tissier but asked which title she should be addressed as, the Chair of the Joint Powers Authority or the Chair of the Metropolitan Transportation Commission.

Chair Klein stated it should be addressed to the Chair of the JPA. Palo Alto was in effect writing the letter at the invitation of Seamus Murphy and the others from the board that came before the seated members of this Committee. He believed MTC should be copied on the communication.

Council Member Burt said Dan Richards should be included as the Chair of the Board for HSR but knew that often board members were not receiving copies of materials being distributed. He suggested the information be addressed to the Chair of the Board for HSR and Board Members, the PCC Board Members in addition to the members of the legislature. He felt the same information should be distributed to all of the Peninsula cities because Palo Alto raised issues that other non PCC members may have overlapping or aligned concerns.

Council Member Shepherd asked if each individual City Council Member would receive the letter.

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Mr. Hackmann said normally each letter was signed by the Mayor and sent via mail to one person where there was a list of carbon copied people that received an e-mail version.

Council Member Burt asked for a breakdown of who received it hard copy and who received it electronic. He was comfortable with the other cities on the Peninsula receiving the letter electronically. The question he had was amongst the three key agencies whether their board members and CEO's should receive hard copies.

Ms. Monroe said her instinct was there would be more visibility if the recipients received an electronic version.

Council Member Burt said they could receive both.

Chair Klein agreed to send both versions and eliminate the federal people since it was a state issue.

Council Member Burt recommended sending hard copies to the three key boards, their members and CEO with soft copies to them and the remaining recipients.

Council Member Shepherd agreed.

Mr. Hackmann asked if a photo copy of the signed hard copy would be sufficient.

Chair Klein said yes.

Council Member Shepherd asked how the surface street traffic, grade crossings, elevations in the program issues should be addressed.

Council Member Burt stated the Project EIR would address those issues and other impacts.

Council Member Shepherd asked if Palo Alto wanted to say in the EIR in the first bullet: All significant environmental impacts, including surface streets intersection failures, noise, vibrations and the other impacts previously mentioned or were they included in the language. She wanted to ensure Council Members from other communities were aware of what Palo Alto was addressing.

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Council Member Burt said he was concerned about getting too granular within the letter.

Council Member Shepherd said one of the emerging conclusions from the CAO's office where nothing was addressing the surface street congestions or the traffic street failures which was a huge concern for the community.

Ms. Monroe said the statement in bullet one broadened out any of the significant impacts in the Program EIR and the Project EIR which would all be addressed.

Vice Mayor Scharff said Council Member Shepherd wanted to highlight certain issues and make sure they were being addressed.

Council Member Shepherd said any failure to gain access to the research park by the workforce was a serious economic impact for the Silicon Valley. She did not believe that issue had been addressed.

Council Member Burt said an alternative would be to add a sentence under the bullet to read: these included but were not limited to grade crossing impacts and land takings.

Council Member Shepherd added surface street congestion.

Chair Klein said his concern with the language was the; but not limited to portion. The general public would read the concerns listed and view those as the actual concerns without consideration for the others that may be of concern.

Council Member Shepherd agreed it did not need to be a bullet point but perhaps it could be a part of the Palo Alto was a significant ticket taker for Caltrain.

Chair Klein said that language was added.

Council Member Shepherd understood but the language about the economic vibrancy was viable with a significant Public Works project separating their time.

Vice Mayor Scharff agreed with Council Member Shepherd, by adding specific viable concerns as in road crossings, street congestions, and land taking. Those were the top three concerns but there may be others.

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Chair Klein said there were more that were of equal significance noise and visual impacts were merely two.

Ms. Monroe said the EIR did not address economic issues so there could be language added to the first bullet to address the economic concerns: All significant environmental and economic impacts identified in the Program EIR and Project EIR shall be mitigated.

Chair Klein said no, because there were no economic impacts identified in either EIR.

Council Member Shepherd asked if a sentence could be included to that effect in the prelude to the letter.

Council Member Burt asked for clarification on the effect being implied.

Council Member Shepherd said to the effect Palo Alto had serious concern with the economic impacts to the community.

Council Member Burt said there was a sentence of the second largest corridor so he suggested including a reference to its vitality to the local and regional economy.

Chair Klein said similar verbiage had been in numerous documents sent in the past.

Council Member Shepherd asked if the Process Issues needed to be addressed.

Council Member Burt said those issues were not determined. The current issue was the need for an overriding statement on determining the accuracy in the language regarding the direct participation of the City.

Vice Mayor Scharff said the phrase City Council should be replaced by the City of Palo Alto in the introduction paragraph: The City of Palo Alto ~~City Council~~ is on record, because it weakened the letter.

Chair Klein agreed with the deletion of City Council. He recommended deleting the first sentence of the last paragraph of the letter: We believe that it is essential that the legitimate concerns and interests of directly impacted Peninsula cities must be incorporated in the MOU in order for such an agreement to be successful. It was not specific or significant to Palo Alto.

Council Member Shepherd said if it remained it needed to be edited.

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Chair Klein said his issue with the language was it did not clearly denote the legitimate concerns of City A might be inconsistent with the legitimate concerns of City B.

Council Member Burt said the verbiage was put there as a place holder for the concept of; if they wanted to move forward with the MOU they needed to embrace the participation and address the concerns of all of the cities involved. It meant if they wanted to be successful they would need to be responsive to the concerns.

Council Member Shepherd suggested saying Palo Alto believed the incorporation of the issues would create a successful agreement.

Chair Klein did not want the City to indicate a promise.

Council Member Burt believed the suggested language might increase their chances for success.

Chair Klein said the language was already included in the second sentence.

Council Member Burt agreed it was but it was not very clear. The intent of the language was to convey incorporation of Palo Alto's concerns would advocate the success of the agreement while not might incur less success.

Ms. Monroe asked if the language belonged under the Program Issues section because it involved all of the cities.

Council Member Burt said it was a summary statement although he was willing to change the wording.

Chair Klein said he accepted the concept.

Council Member Burt accepted proposed language changes or an adoption of the concept and referred himself and Staff to rewrite the statement.

Chair Klein said after further reflection he wanted to soften the second sentence. The first sentence conceptually and the second sentence would overlap.

Council Member Shepherd said the first sentence could be written in an if/then manner; we believe that if the concerns and interests of the directly impacted Peninsula cities be incorporated in the MOU then such an agreement shall be successful.

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Chair Klein directed Staff to rewrite the letter and granted the approving authority of the final version to himself and Council Member Burt.

3. Report from the Professional Evaluation Group, Inc.

NOT DISCUSSED

REPORTS ON MEETINGS

California High Speed Rail Authority (CHSRA) Board Meeting

Peninsula Cities Consortium (Menlo Park)

NOT DISCUSSED

FUTURE MEETINGS AND AGENDAS

Richard Hackmann, Management Specialist said the Rail Corridor Task Force was not available on the 22nd and asked the Committee if they wished to reschedule in early April.

Council Member Burt recalled Vice Mayor Scharff was out the second week of April and he was out the first week. He suggested March 29th.

Chair Klein stated his absence on the 29th.

Herb borock spoke on the necessity for a regular meeting schedule.

Chair Klein said if the Committee Members were available they should maintain the regular scheduled date of the 22nd.

Council Member Shepherd asked who was initially scheduled to attend meeting on the 22nd.

Mr. Hackmann said the Staff, consultants, and the chair were anticipated.

ADJOURNMENT: Meeting adjourned at 1:50 p.m.

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